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DATE MAILED: 10/06/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/076,975	02/15/2002	Steve H. Weissinger	10559/576001/P12790	1446
20985	7590 10/06/2004		EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL			TABONE JR, JOHN J	
	. CA 92130-2081		ART UNIT	PAPER NUMBER
,			2133	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		10/076,975	WEISSINGER, STEVE H.
	Office Action Summary	Examiner	Art Unit
		John J. Tabone, Jr.	2133
Period fo	The MAILING DATE of this communication or Reply	appears on the cover sheet wi	th the correspondence address
THE   - Exter after - If the - If NO - Failu Any:	ORTENED STATUTORY PERIOD FOR RE MAILING DATE OF THIS COMMUNICATIO nsions of time may be available under the provisions of 37 CFF SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a period for reply is specified above, the maximum statutory per re to reply within the set or extended period for reply will, by streply received by the Office later than three months after the med patent term adjustment. See 37 CFR 1.704(b).	N. R 1.136(a). In no event, however, may a r reply within the statutory minimum of thirt riod will apply and will expire SIX (6) MON atute, cause the application to become AB	eply be timely filed  y (30) days will be considered timely.  THS from the mailing date of this communication.  ANDONED (35 U.S.C. § 133).
Status			
1)🖂	Responsive to communication(s) filed on 10	<u>0/06/2003</u> .	
2a) <u></u> □	This action is <b>FINAL</b> . 2b)	his action is non-final.	
3)	Since this application is in condition for allo closed in accordance with the practice under	·	•
Dispositi	on of Claims		•
5) 6) 7)	Claim(s) 1-45 is/are pending in the applicat 4a) Of the above claim(s) is/are with Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) 1-45 are subject to restriction and/	drawn from consideration.	
Applicati	on Papers		
9)	The specification is objected to by the Exam	niner.	
10)	The drawing(s) filed on is/are: a) a	accepted or b) objected to	by the Examiner.
	Applicant may not request that any objection to	the drawing(s) be held in abeyan	ce. See 37 CFR 1.85(a).
11)	Replacement drawing sheet(s) including the cor The oath or declaration is objected to by the	·	•
Priority ι	ınder 35 U.S.C. § 119		
a)[	Acknowledgment is made of a claim for fore  All b) Some * c) None of:  1. Certified copies of the priority docum  2. Certified copies of the priority docum  3. Copies of the certified copies of the papplication from the International Bur  See the attached detailed Office action for a	ents have been received. ents have been received in A priority documents have been eau (PCT Rule 17.2(a)).	oplication No received in this National Stage
Attachmen		_	
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)		ummary (PTO-413) )/Mail Date
3) Inform	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/r No(s)/Mail Date		formal Patent Application (PTO-152)

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-26 and 35-40, drawn to a method, a device, and an article for obtaining a cyclic redundancy code for a message, classified in class 714, subclass 781.
  - II. Claims 27-34, 41-45, drawn to a method, a device, and an article for incrementally updating a cyclic redundancy code, classified in class 714, subclass 788.
- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case as follows:
  - a. Invention I has separate utility such as <u>obtaining</u> a cyclic redundancy code for a message by separating the message into a plurality of segments; multiplying a remainder for each segment by a segment-constant based on a generator polynomial to obtain a plurality of segment-remainders; accumulating the segment-remainders to obtain an accumulated-remainder; and moduloing the accumulated-remainder by the generator polynomial <u>to obtain the cyclic</u>

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<u>redundancy code</u> for the message. These are patentably distinct features not found in invention II.

b. Invention II has separate utility such as <u>incrementally updating</u> a cyclic redundancy code by subtracting a prior message from an updated message to obtain a difference; <u>moduloing the difference by a generator polynomial to obtain a remainder</u>; and <u>adding</u> the remainder to <u>a cyclic redundancy code for the prior message</u> to obtain <u>an updated cyclic redundancy code</u> for the updated message.

These are patentably distinct features not found in invention I.

See MPEP § 806.05(d).

- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. In order to expedite the prosecution for the subject application, the non-elected claims should be canceled in response to this office action.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Tabone, Jr. whose telephone number is (703) 305-8915. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John J. Tabone, Jr.

Examiner

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GUY J. LAMARRE PRIMARY EXAMINER